

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOEL HELFMAN,

Plaintiff,

CASE NUMBER: 06-13528
HONORABLE VICTORIA A. ROBERTS

v.

GE GROUP LIFE ASSURANCE COMPANY,
a foreign corporation, GENWORTH LIFE AND
HEALTH INSURANCE COMPANY, a foreign
corporation, and SUN LIFE ASSURANCE
COMPANY OF CANADA, a foreign corporation,

Defendants.

_____ /

ORDER

This matter is before the Court on Plaintiff's *Motion To Resolve Legal Issue Relative to First Prong of Safe Harbor Provision*. The Court strikes this motion.

The law requires that four criteria must be met before a “group or group-type insurance program offered by an insurer to employees or members of an employee organization” is not an ERISA plan under ERISA’s safe harbor provision. *Thompson v. Am. Home Assur. Co.*, 95 F.3d 429, 434 (6th Cir. 1996). Because Plaintiff’s motion addresses only one of the criteria, consideration of it will lead to piecemeal litigation of this issue, which the Court is not inclined to do.

In the re-filed motion and response, the parties are to address all safe harbor factors, or state that the parties agree that some of the factors are satisfied. The parties should also address Plaintiff’s second argument; that is, whether ERISA governs all

other employees but not him.

Further, Plaintiff says in his motion that there are questions of fact pertaining to the amount of premiums paid and his ownership of the businesses. If this is true, the Court questions the wisdom of the motion.

For these reasons, the Court strikes Plaintiff's motion.

IT IS SO ORDERED.

S/Victoria A. Roberts
Victoria A. Roberts
United States District Judge

Dated: July 6, 2007

The undersigned certifies that a copy of this document was served on the attorneys of record by electronic means or U.S. Mail on July 6, 2007.

s/Carol A. Pinegar
Deputy Clerk